# Immigrants AC

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### Part 1: Framing

#### The standard is rejecting structural violence.

#### 1. Dreaming of a perfect world and using ethical theories that don’t account for historical and empirical realities creates flawed ethical theories. We have to have a non ideal starting point.

Charles Mills. “Ideal Theory” as Ideology. 2005. <http://www.douglasficek.com/teaching/phi-102/mills.pdf> RC

“I suggest that this spontaneous reaction, far from being philosophically naïve or jejune, is in fact the correct one. **If** we start from what is presumably the uncontroversial premise that **the ultimate point of ethics is to guide our actions and make ourselves better people and the world a better place, then [ideal theory]** the framework above **will not only be unhelpful, but** will in certain respects be **deeply antithetical to the proper goal of theoretical ethics** as an enterprise. In modeling humans, human capacities, human interaction, human institutions, and human society on ideal-as-idealized-models, in never exploring how deeply different this is from ideal-as-descriptive-models, **we are abstracting away from realities crucial to our comprehension of the actual workings of injustice in human interactions and social institutions,** and thereby guaranteeing that the ideal-as-idealized-model will never be achieved. **It is no accident that historically subordinated groups have always been deeply skeptical of ideal theory,** generally see its glittering ideals as remote and unhelpful, **and are attracted to nonideal theory,** or what significantly overlaps it, “naturalized” theory. In the same essay cited above, Jaggar identifies a “unity of feminist ethics in at least one dimension,” a naturalism “characteristic, though not definitive, of it” (Jaggar 2000, 453). Marxism no longer has the appeal it once did as a theory of oppression, but it was famous for emphasizing, as in The German Ideology, the importance of descending from the idealizing abstractions of the Young Hegelians to a focus on “real, active men,” not “men as narrated, thought of, imagined, conceived,” but “as they actually are,” in (class) relations of domination (Marx and Engels 1976, 35–36). And certainly black Americans, and others of the racially oppressed, have always operated on the assumption that the natural and most illuminating starting point is the actual conditions of nonwhites, and the discrepancy between them and the vaunted American ideals. Thus Frederick Douglass’s classic 1852 speech, **“What to the Slave Is the Fourth [of] July?” points out the obvious, that the inspiring principles of freedom and independence associated with the celebration are not equally extended to black slaves:** “I am not included within the pale of this glorious anniversary! Your high independence only reveals the immeasurable distance between us. . . . The rich inheritance of justice, liberty, prosperity and independence, bequeathed by your fathers, is shared by you, not by me. . . . This Fourth July is yours, not mine. You may rejoice, I must mourn” (1996, 116, emphasis in original). **So given this convergence in gender, class, and race theory on the need to make theoretically central the existence and functioning of the actual non-ideal structures that obstruct the realization of the ideal,** what defensible arguments for abstracting away from these realities could there be?”

#### 2. Failing to adopt a non-ideal theory allows for use to ignore hypocrisy in our own philosophy.

Charles Mills. “Ideal Theory” as Ideology. 2005. <http://www.douglasficek.com/teaching/phi-102/mills.pdf> RC

“Or consider a (today) far more respectable ideal, that of ***autonomy***. This notion **has been central to ethical theory for hundreds of years**, and is, of course, famously most developed in Kant’s writings. But recent work in feminist theory has raised questions as to whether it is an attractive ideal at all, or just a reflection of male privilege. **Human beings are dependent upon others** for a long time **before they can become adult**, and if they live to old age, are likely to be dependent upon others for many of their latter years. **But traditionally, this work has been done by women**, and **so it has been invisible or taken for granted, not theorized**. Some feminist ethicists have argued for the simple abandonment of autonomy as an attractive value, but others have suggested that it can be redeemed once it is reconceptualized to take account of this necessarily inter- relational aspect (MacKenzie and Stoljar, 2000). So **the point is that idealiza- tion here obfuscates the reality of care giving that makes any achievement of autonomy possible in the first place**, and **only through nonideal theory are we sensitized to the need to balance this value against other values**, and rethink it. Somewhat similarly, think of the traditional left critique of a liberal concept of freedom that focuses simply on the absence of juridical barriers, and ignores the many ways in which economic constraints can make working-class liberties largely nominal rather than substantive.”

#### 3. Governments have an obligation to reject forms of structural oppression—it prevents voices from being heard and comes first under any framework.

WINTER AND LEIGHTON – D. D. Winter and Dana Leighton. “STRUCTURAL VIOLENCE SECTION INTRODUCTION”. 6/1/99 http://sites.saumag.edu/danaleighton/wp-content/uploads/sites/11/2015/09/SVintro-2.pdf

“Finally, to recognize the operation of structural violence forces us to ask questions about how and why we tolerate it, questions which often have painful answers for the privileged elite who unconsciously support it. A final question of this section is how and why we allow ourselves to be so oblivious to structural violence. Susan Opotow offers an intriguing set of answers, in her article Social Injustice. She argues that our normal perceptual/cognitive processes divide people into in-groups and out-groups. Those outside our group lie outside our scope of justice. Injustice that would be instantaneously confronted if it occurred to someone we love or know is barely noticed if it occurs to strangers or those who are invisible or irrelevant. We do not seem to be able to open our minds and our hearts to everyone, so **we draw conceptual lines between those who are in and out of our moral circle.** **Those who fall outside are morally excluded, and become either invisible, or demeaned in some way so that we do not have to acknowledge the injustice they suffer.** **Moral exclusion is a human failing**, but Opotow argues convincingly that it is an outcome of everyday social cognition. To reduce its nefarious effects, we must be vigilant in noticing and listening to oppressed, invisible, outsiders. Inclusionary thinking can be fostered by relationships, communication, and appreciation of diversity. Like Opotow, all the authors in this section point out that **structural violence is** not in**evitable if we become aware of its operation, and build systematic ways to mitigate its effects**. Learning about structural violence may be discouraging, overwhelming, or maddening, but these papers encourage us to step beyond guilt and anger, and begin to think about how to reduce structural violence. “

#### The structure of action necessitates we take into account consequences of our actions.

Walter Sinnott-Armstrong. "An argument for consequentialism." Philosophical Perspectives (1992): 399-421. Page 400

“Since general substitutability works for other kinds of reasons for action, we would need a strong argument to deny that it holds also for moral reasons. **If moral reasons obeyed different principles, it would be hard to understand why moral reasons are also called ‘reasons’** and how moral reasons interact with other reasons when they apply to the same action. Nonetheless, this extension has been denied, so we have to look at moral reasons carefully. **I have a moral reason to feed my child tonight**, both because I promised my wife to do so, and also because of my special relation to my child along with the fact that she will go hungry if I don’t feed her. **I can’t feed my child tonight without going home soon, and going home soon will enable me to feed her tonight. Therefore, there is a moral reason for me to go home soon.** It need not be imprudent or ugly or sacrilegious or illegal for me not to feed her, but the requirements of morality give me a moral reason to feed her. This argument assumes a special case of substitutability: (MS) **If there is a moral reason for A to do X, and if A cannot do Xwithout doing Y, and if doing Y will enable A to do X, thenthere is a moral reason for A to do Y.** I will call this ‘the principle of moral substitutability’, or just ‘moral substitutability’. This principle is confirmed by moral reasons with negative structures. I have a moral reason to help a friend this afternoon. I cannot do so if I play golf this afternoon. Not playing golf this afternoon will enable me to help my friend. So I have a moral reason not to play golf this afternoon. Similarly, I have a moral reason not to endanger other drivers (beyond acceptable limits). I can’t drink too much before I drive without endangering other drivers. Not drinking too much will enable me to avoid endangering other drivers. Therefore, I have a moral reason not to drink too much before I drive. The validity of such varied arguments confirms moral substitutability.”

#### Engagement with the state is key to critical interrogation—otherwise we become spectators with not hope for change.

Connolly 2008 [William, Professor of Political Science at John Hopkins, Capitalism and Christianity, American Style.]

“Before turning to possible strategies to promote these objectives, we need to face an objection posed by one segment of the left: "Don't you depend a lot upon the state, when it must be viewed as the enemy?" My response is threefold. First, there is no way to take on global warming without engaging the state in the effort as well as international agencies, and global warming is a key danger of this epoch. Second, **it is less the state** itself **and more its** existing **subsidies** and priorities that are at issue. If you were to oppose both the market and the state **you** might **reduce the** democratic **left to pure critique, with no** presentation of positive **possibilities and strategies.** But critique is always important and never enough, as the left has begun to rediscover and as the American right has known for forty years. Third, although **one must acknowledge** the issues of cumbersome state **bureaucracy,** corporate cronyism, **and** state **corruption,** all three increased radically when the evangelical-capitalist resonance machine achieved hegemony, and **they will get worse unless eco-egalitarians enter the fray at the interceded levels of** micropolitics, microeconomic experiments, and **the state.** It is unwise to act as if the state must always be what it has become. Challenging the media is critical in this respect, making it become a watchdog of corporations, the state, religious movements, and the multiple imbrications between them. My view, as becomes clear in the next few pages, is that **no** interim **agenda on the left can proceed far without finding expression in state policy,** and state policy must draw inspiration from microeconomic experiments initially launched outside its canopy: microeconomic experiments and creative state policies must inform each other.**We** thus **seek to include the state without becoming statist.** Those who invest hope in revolutionary overthrow may oppose such a combination. I suspect that revolution, were it to occur, would undermine rather than vitalize democratic culture.29”

#### Few implications. A) I don’t affirm the goodness of the state but rather just use the state as a heuristic to carry out change. B) The state is not inherently bad, but rather that is just how it is the squo. C) If the neg doesn’t have a policy option, then I’m the only one with a risk of offense.

### Part 2: The Immigrant

#### Immigrants and refugees are particularly vulnerable to the housing market.

Office of the United Nations High Commissioner for Human Rights 14, The Right to Adequate Housing, Fact Sheet No. 21, 2014

People on the move, whether they are refugees, asylum-seekers, internally **displaced persons** (IDPs) or **migrants**, **are particularly vulnerable to** a range of human **rights violations, including violations of the right to adequate housing.** Displaced persons are also particularly vulnerable to discrimination, racism and xenophobia, which can further interfere with their ability to secure sustainable and adequate living conditions. People who have been forcibly displaced will often have suffered trauma during their flight, and will have lost familiar coping strategies and support mechanisms. **Refugee** and IDP **camps around the world**, particularly when displacement is protracted, **are often dilapidated and overcrowded, providing inadequate shelter and services.** Sometimes their inhabitants enjoy no basic services at all. **Displaced women** and girls living in camps **can be subject to sexual and gender-based violence**, for instance because not enough attention is paid to their specific needs and vulnerabilities in the design and layout of the camp. In urban areas, urban refugees, asylum-seekers and IDPs can fare little better. **Often unable** in practice or **because of their legal status to rent adequate accommodation, many are forced to live in overcrowded and insecure conditions.** Migrants will also often end up living in precarious and unsafe conditions in cities and urban areas. **Employers may oblige** migrant domestic **workers** or factory workers **to live at their place of work.** Many will end up living in overcrowded dormitories, sleeping in shifts and without access to adequate sanitation. **Domestic workers can be made to sleep in poorly ventilated rooms, storerooms or common living areas with no regard for their dignity, privacy or personal security.** Irregular or **undocumented migrants**, including rejected asylum-seekers, **are particularly vulnerable to human rights abuses, including violation of their right to adequate housing.** Irregular migrants are often homeless, as an inability to pay rent usually results in immediate eviction. **Their lack of legal status, and the criminalization of irregular migration** in many countries, **means that most will be unable or unwilling to challenge discriminatory or otherwise abusive rental practices and seek legal remedies. National housing strategies rarely include migrants, and will practically never include irregular migrants.**

#### The squo is failing horribly—there are no legal protections for undocumented immigrants.

Robert Ley 13 (JD Northeastern College of Law). "Reviving Housing Rights of the Undocumented through Disparate Impact and the Fourteenth Amendment: The Problem with the FHA, Sec. 1981, & Preemption." Berkeley La Raza LJ 23 (2013): 35.

A second difficulty with relying on the affirmative housing clause is that **neither the clause** specifically, **nor the FHA (FAIR HOUSING ACT)** generally, **addresses the primary intent of local ordinances. Without a recognition that alienage status is a protected** statutory ground **under the FHA, the basis for** a cause of **action must rely on other secondary grounds**, namely national origin or race discrimination likely to impact immigrants in housing. Any protection they do offer remains based on pretext. While the statute only recognizes race or national origin discrimination as valid authoritative bases, in reality **immigrants may be discriminated against because of their citizenship status. As a result, some undocumented immigrants will not be able to employ the FHA if their "physical indicators" do not conform to race, color, or national origin.**106 Put differently, not every undocumented immigrant will simultaneously be discriminated against on the basis of their race, color, or national origin discrimination and alienage status, and for these individuals who are discriminated against solely on the basis of their legal status, the FHA leaves them without any form of relief.

#### Refugees and immigrants are in a unique position—they are particularly vulnerable since they are often unable to secure a job due to lack housing and vice versa, which reinforce each other.

Jodilyn Gilleland 16 (JD Seattle University College of Law), Kaya Lurie, and Sara Rankin. "A Broken Dream: Homelessness & Immigrants." (2016).

**Lack of** gainful **employment** and meaningful work **creates obstacles for immigrants** seeking economic and social stability. 54 These obstacles impact immigrants differently according to their skills and education. **“Lowskill,” technically trained immigrants have fewer job opportunities and are paid less than immigrants with “desirable skills,”** or advanced degrees.55 For example, **jobs taken by low-skilled immigrants are in fields, such as agriculture, that require little to no formal education and do not always provide economic stability because of the seasonal or temporary nature of the employment, as well as the inadequate pay.** 56 However, this distinction is not meant to undermine the challenges that individuals with desirable skills or degrees face. Immigrants with advanced skills also face certain economic challenges; however, these challenges are distinct from those “low-skill,” technically trained immigrants.57 “Low-skill,” technically trained immigrants contend with inadequate job training and employment prospects in the United States.58 In particular, refugees are hard pressed to find jobs that are well suited for their skill sets.59 For those individuals considered to be “low-skilled,” finding job opportunities that provide a stable income is difficult to achieve. 60 Additionally, many low-skilled workers “confront multiple barriers to employment…a lack of English proficiency, limited skills, low levels of education, and poor understanding of American cultural and workplace norms restrict [low- skilled immigrants’] access to good jobs that pay family sustaining wages and provide opportunities for advancement.” 61 Consequently, “**the unemployment rate of refugees in their first year in America is 46%** and decreases over time; however, **refugee unemployment rates are still higher than the general U.S. unemployment rate for at least the first five years.**”62 Furthermore, immigrant communities also face additional challenges in maintaining economic stability even when they are successful in finding employment. For example, **fair labor standards**, as required by the Fair Labor Standards Act, **are not always practiced by employers and enforced by outside third parties, particularly for undocumented workers.**63 This lack of protection can lead to unsafe work environments, long hours, and unfair and inadequate pay.64 Typically, **immigrants do not report unsafe work conditions because of a fear of retaliation from their employers.** 65 Additionally, **undocumented immigrants may be exploited but generally will not report unfair or illegal employer practices because of fear of** detainment or **deportation**.66 Furthermore, immigrants who are hard-pressed to find jobs rely on any employment to financially support themselves and their family; thus, the risk of being fired for reporting unfair or unsafe employment conditions is too great.67 Consequently, this vicious cycle of economic exploitation continues. Once they are employed, immigrants also struggle to maintain economic stability. Immigrants may be unaware of the protections accorded to them under the Fair Labor Standards Act, and undocumented workers fear reporting unfair or abuse employment practices due to the threat of deportation.68 **Without these basic employment protections, immigrants often toil in unsafe work environments, with long hours, and for unfair and inadequate pay.** 69 All of these factors can detrimentally affect economic stability for immigrants.70 Immigrants are disproportionately impacted by poverty nationally and in Washington State.71 Poverty rates among immigrants, migrants and refugees tend to be typically higher than their U.S. citizen counterparts.72 For example, **22.3% of immigrants and their children live in poverty, compared to 13.2% of native-born residents** and their children.73 Additionally, “**35% of immigrants make less than $25,000 a year compared to 21% of native-born workers.**”74 One study showed that immigrants from Mexico (30.1%), Honduras (32.7%), Guatemala (28.5%) and Haiti (23.7%) have the highest poverty levels in the United States when compared to native U.S. citizens.75 In Washington State, 19.5% of immigrants and their family live in poverty, but native-born Washingtonians account for only an estimated 9.9%.76 The impact of the lack of job opportunities or gainful employment on immigrants is twofold: **immigrants** both **struggle to escape poverty** and to become economically stable and successful in the United States.78 **Poverty is** “perhaps **the most ominous indicator with respect to homelessness.**”79 As such, **economic challenges are substantial barriers for immigrants, making them particularly vulnerable to homelessness.**

#### Even when they can get a job, their status often prevents them from being able to save money, but instead have to spend it all on housing.

Jodilyn Gilleland 2 (JD Seattle University College of Law), Kaya Lurie, and Sara Rankin. "A Broken Dream: Homelessness & Immigrants." (2016).

**Immigrants** also **“lack safe, affordable housing in their communities.”**96 **Many immigrants** often take low-wage jobs or **are unemployed** or under-employed **when they first arrive** to the United States; therefore, **they face “more obstacles to accessing affordable housing**, are more likely to live in overcrowded situations out of sight of the public system, **and spend over half of their monthly income on housing costs.”**97 For example, in fast growing cities such as Seattle, where rent costs for housing is “10th highest in the U.S. and rising faster than any other major city,”98 marginalized groups, such as immigrants, become less likely to find housing.99 For instance, **of the “74.3 million owner-occupied households** [nationwide**], 89% were native-born, while 11% were foreign-born.**”100 Without housing, members of these communities will sometimes stay with family or friends until they can find an affordable option.101 Furthermore, zoning laws cap the number of individuals that can legally live under one roof. 102 Household capping laws harm immigrants that need to live with friends because of finances or lack of affordable housing. 103 The zoning laws are problematic because landlords have the ability to decide who is “legal” and discriminate based on stereotypes.104 In addition to household capping zoning laws, a “lack of U.S. credit history, U.S. rental history, Social Security number, or U.S.-issued identification often prevents immigrants from finding an affordable apartment.”105 **Requiring individuals to have several variations of documentation to prove their capability to rent or own a house, landlords add one more barrier for immigrants trying to find independence and stability. This simply furthers the vulnerability of immigrant and refugee communities.**

### Part 3: The House

#### Plan: The United States ought to guarantee a right to housing for immigrants, independent of legal status, in the US, by banning the denial of housing based on legal status, or any other factor.

Office of the United Nations High Commissioner for Human Rights 14, The Right to Adequate Housing, Fact Sheet No. 21, 2014

**In the context of durable solutions**, an emerging norm of **housing** and property **restitution guarantees rights for refugees** and IDPs **who have decided voluntarily to return to their original homes.** Voluntary repatriation/ return has in recent years been expanded to mean more than the mere return to one’s country for refugees or one’s city or region for IDPs. It is increasingly taken to mean the return to and reassertion of control over one’s original home, land or property. **Refugees** and IDPs who choose not to return to their homes **must be protected against forced return in all circumstances, and should be enabled to resettle in conditions that respect, inter alia, their right to adequate housing. This** change **has been** increasingly **reflected in international**, regional and national **laws** and other instruments **which explicitly recognize housing and property restitution as a human right.** In August 2005, the United Nations Sub-Commission on the Protection and Promotion of Human Rights adopted the Principles on housing and property restitution for refugees and displaced persons, also known as **the “Pinheiro Principles”**. These **provide specific policy guidance to ensure the right to housing and property restitution in practice, and the implementation 2**7 **of** re**stitution laws, programmes and policies based on existing international human rights, humanitarian and refugee law, and on national standards.**1

#### ICE raid violate the right to housing.

The Advocates for Human Rights 07, RIGHTS OF IMMIGRANTS IN AND MIGRANTS TO THE UNITED STATES: A CRITICAL LOOK AT THE U.S. AND ITS COMPLIANCE UNDER THE CONVENTION, U.S. Human Rights Network – CERD Shadow Report, 2007. CERD stands for the UN “Convention on the Elimination of All Forms of Racial Discrimination”

**ICE has also conducted** a series of **home raids in communities with large populations of ethnic minorities, particularly Latinos.** Over four days in April, 2007, ICE officials swept through towns across the country during Operation Cross Check. In Willmar, Minnesota, **“ICE agents entered and searched Plaintiffs’ private homes without warrants, without probable cause or exigent circumstances, and without the consent of the Plaintiffs, then detained, interrogated and in some cases arrested Plaintiffs in their homes.”** The objective was to uncover illegal immigrants and individuals with criminal records, but **the raids “were the calculated product of racial and ethnic profiling” and violated** CERD Article 5(b) as well as **the equal right to housing**, “without distinction as to race, colour, or national or ethnic origin,” provided CERD Article 5(e)(iii).

#### ICE raids are the result of racial discrimination, targeting undocumented workers, which prevents people from being able to have a right to housing.

The Advocates for Human Rights 07, RIGHTS OF IMMIGRANTS IN AND MIGRANTS TO THE UNITED STATES: A CRITICAL LOOK AT THE U.S. AND ITS COMPLIANCE UNDER THE CONVENTION, U.S. Human Rights Network – CERD Shadow Report, 2007. CERD stands for the UN “Convention on the Elimination of All Forms of Racial Discrimination”

Since the United States filed its initial CERD Report in September 2000, U.S. citizens and legal **immigrant workers in the United States have endured a series of violent** and disruptive **raids at their** workplaces and in their **homes.** US Immigration Customs and Enforcement (**ICE**) **agents use these raids to apprehend undocumented individuals** or individuals with criminal convictions, **but the practice typically involves targeting a population of ethnic minorities** that is hugely disproportionate to the number of people actually charged with violations. As a result, **large numbers of legal US residents have been abused, arrested and detained on the basis of their ethnicity.** These practices constitute plain violations of CERD Article 5(b). Workplace raids also violate Article 5(d)(i), Article 5(e)(i) and Article 5(e)(ii). **Targeting ethnic minorities in their homes violates the right to housing protected by Article 5**(e)(iii).

#### The aff is key to ensuring that immigrants can find shelter—their status often prevents them from even trying to get help.

Jodilyn Gilleland 16 (JD Seattle University College of Law), Kaya Lurie, and Sara Rankin. "A Broken Dream: Homelessness & Immigrants." (2016).

Due to their legal status, undocumented immigrants face additional barriers, such as labor exploitation and a lack of access to public services. 106 **Undocumented immigrants are in a position of constant vulnerability because of their fear of being detained or deported.**107 **Therefore, when undocumented immigrants experience homelessness, they are hesitant to reach out for help.** 108 Additionally, access to federal aid is unavailable for undocumented immigrants. 109 Indeed, undocumented immigrants cannot access federally funded programs or services, such as homeless shelters.110 Access to affordable housing is also limited for undocumented immigrants. 111 However, under the United States Fair Housing Act (FHA), “a person’s immigration status does not affect his or her federal fair housing rights or responsibilities.”112 In other words, an individual cannot be discriminated against, regardless of their immigration status, when renting or buying a house; yet**, despite the FHA, cities have passed ordinances that actively discriminate against undocumented immigrants.**113 For example, Fremont, Nebraska “prohibit[s] the harboring of illegal aliens or hiring of unauthorized aliens.” 114 **Harboring is defined as “conduct tending substantially to facilitate an alien's ‘remaining in the United States illegally,’ provided, of course, the person charged has knowledge of the alien's unlawful status.** Similarly, Farmers Branch, Texas, passed an ordinance stating “prospective tenants prove they are in the U.S. lawfully as part of obtaining a $5 residential occupancy license.” 116 Under the ordinance, “[t]he city’s building inspector would be responsible for verifying a tenant’s immigration status with the federal government.” 117 Violations committed by tenants or landlords in relation to this ordinance could result in “class C misdemeanor charges under the ordinance.”118 The stated purpose of the ordinance is to curtail “illegal immigration” because the town was facing “an out-of control, serious problem.”119 Needless to say, local **undocumented immigrants become particularly vulnerable to homelessness by making housing unavailable through the use of these laws.** In creating discriminatory laws and **ordinances that prohibit** renting or **housing undocumented immigrants** almost **force them into homelessness.** Ordinances that prohibit renting to and mandate status checks of undocumented immigrants gives them little choice but to double up with family, friends, or colleagues.120 If they cannot double-up, undocumented immigrants are effectively relegated to homelessness, and worse still, their undocumented status leaves them ineligible to access many homeless shelters and services, particularly if the services are funded by federal grants. 121 **Homeless undocumented immigrants essentially live on the street, and in the shadows, in fear of being detained or deported.**